

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI**

ANKENETH CORBIN,	)	
	)	
Plaintiff,	)	
	)	Cause No.: 4:23-cv-00516-JAR
v.	)	
	)	JURY TRIAL DEMANDED
BLACK JACK FIRE PROTECTION	)	
DISTRICT and DAVID CALHOUN,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR MENTAL EXAMINATION**  
**PURSUANT TO F.R.C.P. 35**

COME NOW Defendants Black Jack Fire Protection District and David Calhoun (“Defendants”), by and through their undersigned counsel Goldberg Segalla, LLP, and hereby moves the Court for an order compelling Plaintiff Ankeneth Corbin (“Plaintiff”) to appear for and submit to a mental examination pursuant to F.R.C.P. 35 Dr. Nicole J. Werner, a duly licensed neuropsychologist, who specializes in neuropsychological evaluation of patients with known or suspected neurological conditions and independent medical (neuropsychological) examinations, on October 2, 2023 at 9:00 a.m. In support hereof, Defendants state as follows:

1. Plaintiff’s mental condition is in controversy.
2. Plaintiff alleges in at least 6 paragraphs of his Complaint that he is suffering from emotional distress. *See* Complaint at ¶¶ 86, 111, 115, 145, 149, 180.
3. Plaintiff asserts a claim for intentional infliction of emotional distress against Defendant David Calhoun (Count III). *See* Complaint at p. 19. Plaintiff alleges Defendant David Calhoun’s conduct “caused severe emotional distress in Plaintiff, to the point of manifesting as bodily harm, and said mental injury is medically diagnosable and significant.” Complaint at ¶ 149.

4. Plaintiff also asserts a claim for race discrimination in violation of 42 U.S.C. §§ 1981 and 1983 against both Defendants. See Complaint at p. 22-23. Plaintiff alleges he “has experienced severe emotional distress, embarrassment, and loss of reputation” as a result of Defendants’ actions. Complaint at ¶ 180.

5. Finally, Plaintiff claims in his interrogatory answers that he “suffers from emotional distress as a result of his illegal termination”, with allegedly corresponding symptoms of “irritability, low self-esteem, depression, sleep disturbances, feelings of hopelessness, difficulty concentrating, and thoughts of despair.” Plaintiff’s Answers to Defendant’s First Interrogatories, attached hereto as Exhibit 1, at Rog 10 and 15.

6. It is clear that Plaintiff’s mental condition is in controversy, and Defendants are entitled to a mental examination pursuant to F.R.C.P. 35.

7. Good cause exists for this mental examination because there is no other way for the Defendants to evaluate Plaintiff’s mental condition. *Schlater v. Walgreen Co.*, No. 4:17-cv-02850-JAR, at \*2 (E.D. Mo. Sep. 19, 2018).

WHEREFORE, Defendants Black Jack Fire Protection District and David Calhoun respectfully request that the Court enter an Order compelling Plaintiff Ankeneth Corbin to appear for and submit to a mental examination pursuant to F.R.C.P. 35 before Dr. Nicole J. Werner, a duly licensed neuropsychologist specializing in licensed neuropsychologist, who specializes in neuropsychological evaluation of patients with known or suspected neurological conditions and independent medical (neuropsychological) examinations, on October 2, 2023 at 9:00 a.m.

Respectfully submitted,

GOLDBERG SEGALLA, LLP

By: /s/ John M. Allen  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served through the Court's eFiling system and/or by facsimile, hand delivery, electronic mail, or U.S. Mail, postage prepaid, this 11<sup>th</sup> day of September, 2023 to all counsel of record.

/s/ John M. Allen